UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,435	09/27/1999	VIKTORS BERSTIS	AT9-99-367	1602

7590   12/23/2003

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EXAMINER
SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/406,435	BERSTIS, VIKTORS
	Examiner	**Art Unit**	
	Rachna Singh	2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED   FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<div align="center">PERIOD FOR REPLY [check either a) or b)]</div>

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

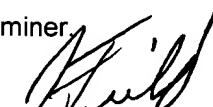   Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

JOSEPH H. FEILD
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Smith's status code generator automatically updates the status code when the operating status of a corresponding data source changes. Thus, Smith does teach checking the source to determine if a newer version of the downloaded file exists. See abstract and generatl disclosure. Smith teaches a system in which "a client site computer system receives and processes the formatted real-time financial data, data source status code, and the updated data source status code, and selects in real time a stale or real-time identifier for the formatted real-time financial data based upon the data source identifier of the formatted real-time financial data, the data source status code and the updated data source status code." See column 3. Smith explicitly states that the client system checks for a source identifier present in the downloaded file (as claimed). Applicant's claims are directed at a system that "evaluates" the downloaded file to determine if a source identifier is present in the downloaded file. Examiner maintains position that Smith discloses the features claimed in Applicant's invention as stated in rejections and comments above. Furthermore, Smith teaches checking finanical data in real-time while the document is open. See figure 6. Applicant argues that Smith's recitation is not suggestive of checking the source whenever the file is opened and includes a periodic time interval; Examiner disagrees. Figure 6 clearly indicates that "real time financial data is transmitted to terminals upon receiving requests from the terminal. . .one the signal is received, displaying the finanical data in a real-time display mode and determining whether the signal was received during a predetermined period of time". Thus, Smith further teaches displaying new data once it is identified as being available. See rejections in previous office action..